

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHARLES JONES,

Petitioner,

v.

C. INGRAM,

Respondent.

Case No. C14-1343-RSM-JPD

REPORT AND RECOMMENDATION

Petitioner, an inmate who was previously incarcerated at the Federal Detention Center in SeaTac, Washington, is proceeding *pro se* in this proposed habeas action pursuant to 28 U.S.C. § 2241. On August 28, 2014, petitioner filed a proposed habeas petition alleging that he “is being held in illegal detention by the Federal Bureau of Prisons” in violation of his federal constitutional rights. Dkt. 1 at 1. Petitioner did not, however, pay the \$5 filing fee or file an application to proceed *in forma pauperis* (“IFP”) in this action.

On August 29, 2014, the Clerk of the Court attempted to notify petitioner via U.S. Mail that he needed to file an IFP application or pay the filing fee. Dkt. 2. However, this letter was returned as undeliverable on September 9, 2014 with a notation on the envelope that petitioner


1 was no longer at the Federal Detention Center. Dkt. 3. To date, petitioner has not contacted  
2 the Court to update his address.

3 Because over sixty days have elapsed since mail directed to petitioner at his address of  
4 record was returned to the court by the Post Office as undeliverable, and petitioner has not yet  
5 notified the Court of his current address, this action is DISMISSED without prejudice for  
6 failure to prosecute pursuant to LCR 41(b)(2). A proposed order accompanies this Report and  
7 Recommendation.

8 Objections to this Report and Recommendation, if any, should be filed with the Clerk  
9 and served upon all parties to this suit by no later than **December 5, 2014**. Failure to file  
10 objections within the specified time may affect your right to appeal. Objections should be  
11 noted for consideration on the District Judge's motion calendar for the third Friday after they  
12 are filed. Responses to objections may be filed within **fourteen (14)** days after service of  
13 objections. If no timely objections are filed, the matter will be ready for consideration by the  
14 District Judge on **December 12, 2014**.

15 This Report and Recommendation is not an appealable order. Thus, a notice of appeal  
16 seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the  
17 assigned District Judge acts on this Report and Recommendation.

18 DATED this 14th day of November, 2014.

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21 JAMES P. DONOHUE  
22 United States Magistrate Judge  
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